IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 22379 of 2003(L)

PETITIONER:

SRI.ASOKA TEXTILES LTD., ASOKAPURAM,
ALUVA.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE POLLUTION CONTROL BOARD, REPRESENTED BY ITS SECRETARY, PATTOM P.O., THIRUVANANTHAPURAM.

BY SMT.K.K.THULASY BHAI, SC,POLLUTION C.BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.8615/2003 IN W.P(C)NO.22379/2003

DISMISSED

17-1-2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE CONSENT

EXT.P2. TRUE COPY OF THE INTIMATION DATED 17-5-03 FROM THE 2ND RESPONDENT DIRECTING PAYMENT OF ENHANCED CONSENT FEE.

EXT.P3. TRUE COPY OF GOVT. NOTIFICATION.

/ TRUE COPY /

KURIAN JOSEPH, J.

W.P(C)No.22379 of 2003

Dated this the 17th day of January, 2007

JUDGMENT

The issue raised in this writ petition pertains to the alleged unconscionable enhancement of consent fee and the basis of fixation thereof. According to the petitioner the present method adopted for fixing the consent fee on the basis of capital investment is wholly irrelevant, the relevant factor being the potential pollution alone, which does not depend on the capital investment but the nature of investment. There is an interim order of stay of operation of the notification in I.A.8615/2003 ever since 14-7-2003. There is no counter affidavit. The learned Government Pleader submits that in similar matters this court has already directed the Government to take a decision. The writ petition is hence disposed of as follows. In the event of the petitioner filing an appropriate representation pointing out the grievances within a period of two months from today before the

first respondent, the matter will be duly considered by the first respondent with notice to the petitioner and appropriate action in accordance with law thereon will be passed within a period of another four months. The interim order passed by this court will continue till such time.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C)NO.22379/2003

JUDGMENT

17th January, 2007